

Appl. No. 09/847,795
Amdt. dated July 19, 2004
Reply to Office Action of March 18, 2004

Remarks

The present amendment responds to the Official Action dated March 18, 2004. A petition for a one month extension of the time to respond and authorization to charge Deposit Account No. 14-0225 the fee for this extension accompany this amendment.

The Official Action rejected claims 1-20 under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-4 and 6-20 were rejected under 35 U.S.C. 102(b) based upon Goodwin, III et al. U.S. Patent No. 5,943,654 ("Goodwin '654"). Claims 1-4 and 6-20 were rejected under 35 U.S.C. 102(e) based on Hunter U.S. Patent No. 6,420,605 ("Hunter"). Claim 5 was rejected under 35 U.S.C. 103(a) over Goodwin '654 in view of David D. Riley, Data Abstraction and Structures ("Riley").

Claims 6 and 7 have been canceled without prejudice. Claims 1-5 and 8-16 have been amended to be more clear and distinct. New claim 21 has been added. Claims 1-5 and 8-21 are presently pending.

The Present Invention

The present invention relates to improvements in systems and methods which combine electronic price labels (EPLs) and electronic signs. (ESs). As discussed in greater detail below, Goodwin '654 addresses an approach for an EPL system to also display promotional messages. In this approach, the promotional indicators are tied to an item record within a price file. As addressed at page 1, lines 16-21, such an approach does not allow retailers to utilize an EPL which displays promotional information relating to an item, groups of items or general sales events. With the prior art approach in which an EPL is assigned to a single item, a retailer cannot

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effectively advertise prices, such as bundled prices, that involve two different items. See also, page 2, lines 7-23.

As addressed in detail at page 6, line 1 - page 7, line 3, the present invention advantageously allows retailers to utilize an ES, such as ES 123 of Fig. 3, to display a promotion message without the ES being associated with an ITEM ID in a PLU file, such as PLU file 107. See, particularly, page 6, lines 17 and 18. To this end, ES 123 is associated with a promotional message in a promotional data file, such as data file 111.

The claims as presently amended address a combined EPL and ES system or method of operating such a system. Taking claim 1, by way of example, that claim now requires an EPL/ES data file separate from the PLU file. The host computer reads this file to “determine if an identification number” is a promotion identification number of an item identification number thereby allowing improved flexibility as discussed in greater detail in the present application.

The Art Rejections

As addressed in greater detail below, Goodwin '654, Hunter, and Goodwin '654 in combination with Riley do not support the Official Action's reading of them and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicants do not acquiesce in either the technical analysis of these items or in the legal analysis made by the Official Action. This Amendment respectfully traverses the Official Action's analysis underlying its rejections in its entirety. More particularly, at page 5, the Examiner cautions “failure by Applicants in their next response to properly traverse this issue . . . will be considered a desire by Applicants to forego lexicography . . .” This analysis is traversed. Claims are interpreted in

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light of the specification, the prior art and the prosecution file history. Extrinsic and intrinsic evidence of the meaning of claim terms may also be relevant. As the Examiner has specified that he considers the claims indefinite, it is entirely inappropriate for him to suggest that the claims be "interpreted with their broadest reasonable interpretation" because it is impossible to assess how the Examiner interprets the claim language and therefore to respond thereto.

Turning to the details of the art rejection, Goodwin '654 addresses an advantageous embodiment in which PLU storage medium 36 stores PLU data file 44 which is preferably the sole location for storing item prices and item information. See, col. 3, lines 55-67. By contrast, the EPS/ES data file of claim 1 and "the step of reading a record . . . from a combined EPL/ES data" file of claim 16 as presently amended is advantageously separate from the PLU file. As a simple example, an outside vendor can be given access on an appropriate basis to the combined EPL/ES data file without giving that vendor access to the highly sensitive PLU file.

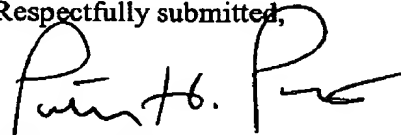
Similarly, neither Hunter, nor Riley meets or makes obvious the claims as presently amended. Hunter's approach to roadside displays tied to the content of purchase displays does not appear to meet or make obvious the claims as presently amended. Riley seems merely relevant as technical background not specifically addressed to the problems advantageously solved by the present invention.

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Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter H. Priest", with a stylized flourish at the end.

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